

10/574597

IAP9 Rec'd PCT/PTO 05 APR 2006

Customer No. 22,852
Attorney Docket No. 01197.0268

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
Hidetsugu TSUBOUCHI et al.)
Application No.: Not Yet Assigned) Group Art Unit:
Filed: April 5, 2006) Examiner:
For: 2,3-DIHYDRO-6-)
NITROIMIDAZO (2,1-B))
OXAZOLE COMPOUNDS FOR
THE TREATMENT OF
TUBERCULOSIS)

U.S. National Phase of International Application No. PCT/JP2004/016492

**MAIL STOP PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450**

Sir:

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)

Pursuant to 37 C.F.R. §§1.56 and 1.97(b), applicants bring to the Examiner's attention the documents listed on attached Form PTO/SB/08 and cited in the international search report. Copies of the listed documents are attached. Applicants respectfully request that the Examiner consider the documents listed on attached Form PTO/SB/08 and indicate that they were considered by making an appropriate notation on this form.

This Information Disclosure Statement is being filed with the above-referenced application.

The following are listed on the accompanying PTO/SB/08 and are in a non-English language:

1. International Publication No. WO 2004/035547 A1
2. International Publication No. WO 2004/033463 A1

An English-language abstract of the documents are enclosed.

In lieu of a statement of relevance or the translation of the non-English documents, enclosed is an English-language international search report from the European Patent Office in the PCT international application, from which this national phase U.S. application is derived, citing these documents and setting forth the relevance thereof.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in the application and applicants determine that the cited documents do not constitute "prior art" under United States law, applicants reserve the right to present to the Office the relevant facts and law regarding the appropriate status of such documents. Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

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If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: April 5, 2006

By:


Ernest F. Chapman
Reg. No. 25,961

Enclosures
EFC/FPD/gah

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IDS Form PTO/SB/08: Substitute for form 1449A/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

| | | | | | |
|-------|---|----|---|------------------------|------------|
| Sheet | 1 | of | 1 | Attorney Docket Number | 01197.0268 |
|-------|---|----|---|------------------------|------------|

U.S. PATENTS AND PUBLISHED U.S. PATENT APPLICATIONS

| Examiner Initials | Cite No. ¹ | Document Number | Issue or Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear |
|-------------------|-----------------------|--|---|---|---|
| | | Number-Kind Code ² (if known) | | | |
| | | US- | | | |

Note: Copies of the U.S. Patent Documents are not Required in IDS filed after October 21, 2004

FOREIGN PATENT DOCUMENTS

| Examiner Initials | Cite No. ¹ | Foreign Patent Document | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear | Translation ⁶ |
|-------------------|-----------------------|---|--------------------------------|---|---|--------------------------|
| | | Country Code ³ Number ⁴ Kind Code ⁵ (if known) | | | | |
| | | WO-2004/035547 A1 | 04-29-2004 | OTSUKA PHARMACEUTICAL CO., LTD. | | Abstract |
| | | WO-2004-033463 A1 | 04-22-2004 | OTSUKA PHARMACEUTICAL CO., LTD. | | Abstract |
| | | WO-97-010562 | 01-16-1997 | PATHOGENESIS CORPORATION | | |

NON PATENT LITERATURE DOCUMENTS

| | | | |
|-------------------|-----------------------|---|--------------------------|
| Examiner Initials | Cite No. ¹ | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published. | Translation ⁶ |
| | | NAGARAJAN et al.; "NITROIMIDAZOLES XXI 2,3-DIHYDRO-6-NITROIMIDAZO [2,1-b] OXAZOLES WITH ANTITUBERCULAR ACTIVITY"; Eur. J. Med. Chem., Vol. 24, pages 631-633, (1989) | |
| | | STOVER et al.; "A SMALL-MOLECULE NITROIMIDAZOPYRAN DRUG CANDIDATE FOR THE TREATMENT OF TUBERCULOSIS"; Nature, Vol. 405, pages 962-966, (2000) | |
| | | SEHGAL et al.; "POTENTIAL RADIOPROTETIC AGENT. 2. SYNTHESIS AND BIOLOGICAL ACTIVITY OF DERIVATIVES OF DINITROIMIDAZOLE WITH OXIRANES"; J. Med. Chem., Vol. 24, pages 601-604, (1981) | |
| | | ASHTEKAR et al.; "IN VITRO AND IN VIVO ACTIVITIES OF THE NITROIMIDAZOLE CGI 17341 AGAINST MYCOBACTERIUM TUBERCULOSIS"; Antimicrobial Agents and Chemotherapy, Vol. 37, No. 2, pages 183-186, (1993) | |

| | | | |
|--------------------|--|-----------------|--|
| Examiner Signature | | Date Considered | |
|--------------------|--|-----------------|--|

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.